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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,688	10/17/2003	Amarendra Anumakonda	19441-0013	2687

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EXAMINER	
WARTALOWICZ, PAUL A	
ART UNIT	PAPER NUMBER
1793	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/605,688	ANUMAKONDA ET AL.	
	Examiner	Art Unit	
	PAUL A. WARTALOWICZ	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/10/08 have been fully considered but they are not persuasive.

Applicant argues that there are only certain situations where a combination of elements may be obvious to try.

However the rejection does not rely on an obvious to try rationale.

One of ordinary skill in the art would recognize that the teaching in Wojowitcz is applicable in Anumakonda because Wojowicz teaches transferring heat from a partial oxidation reaction. Similarly, one of ordinary skill in the art would recognize that the teaching in Marchand is applicable in Wojowicz because Marchand is relied upon for the general teaching of heat transfer to an inlet stream in order to preheat an inlet stream. Additionally, it appears that Metius is drawn to partial oxidation reactor". One of ordinary skill in the art would recognize that Matsumura teach positioning multiple reactors in order to optimize temperature distribution. This teaching is equally applicable to endothermic reactions where the reactors would require heat input and exothermic reactions where the reactors would be situated for reduction of heat spots.

Applicant argues that the rejection including Metius is circular and can only be characterized as hindsight.

However multiple reactors would create a multiple effect of a single reactor. The courts have held that mere duplication of parts has no patentable significance unless a

new and unexpected result is produced. MPEP 2144.04. Additionally, Metius teaches that it is well known to have multiple partial oxidation reactors.

Applicant argues that Matsumura teaches that reforming blocks may be distributed in a reactor chamber in correspondence with a distribution of heat input and that Matsumura does not disclose that offset distances of reforming blocks as preventing heat spots.

However one of ordinary skill in the art would recognize Matsumura teach positioning multiple reactors in order to optimize temperature distribution. This general teaching is equally applicable to endothermic reactions where the reactors would require heat input and exothermic reactions where the reactors would be situated for reduction of heat spots.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anumakonda et al. (U.S. 6221280) in view of Wojtowicz et al. (U.S. 2002/0041986) and any one of Marion et al. (U.S. 4490156), Beavon (U.S. 4146580), or Schmidt et al. (U.S. 2004/0199038) and Gary et al. ("Petroleum Refining…); and Metius et al. (U.S. 6602317) and Marchand et al. (U.S. 2002/0114747) and Matsumura et al. (U.S. 5776421).

Anumakonda teach a process for catalytic partial oxidation of hydrocarbon fuel (col. 7, lines 40-44) wherein heavy hydrocarbons such as kerosene are reacted with an oxidizer gas in a partial oxidation reactor in the presence of a noble metal catalyst at a temperature of about 1050°C (col. 5, lines 25-44) wherein the reaction product gas mixture comprising hydrogen and carbon monoxide (col. 5, lines 45-48) is fed to a solid oxide fuel cell system (fuel cell system inherently teaches producing electric power, col. 7, lines 1-4).

Anumakonda fail to teach passing a heat exchange fluid through the shell and past the at least one catalytic partial oxidation reactor with the heat exchange fluid in the shell flowing in the same direction of reactant flow in the catalytic partial oxidation reactor tube such that heat from partial oxidation in the at least one catalytic partial oxidation reactor transfers from the at least one catalytic partial oxidation reactor to the heat exchange fluid in the shell.

Wojtowicz teach a process for producing hydrogen rich gas for use in a fuel cell produced from a hydrocarbonaceous material [0019] wherein heat from an oxidation reaction is transferred for the purpose of heating an inlet stream [0079]lines 15-24.

Marion teach a method for partial oxidation (col. 1) wherein the inlet temperature of the hydrocarbon is in the range of ambient to 260°C (col. 12).

Beavon teach a process wherein hydrocarbons are partially oxidized (col. 1, abstract) wherein the hydrocarbon feed is vaporized at a temperature of at least 149°C (col. 9).

Schmidt teach a process for the partial oxidation of hydrocarbons [0008] wherein liquid fuels are preheated to a temperature of at least 25°C above the boiling point of fuel for the purpose of providing a vaporized fuel [0049].

Gary et al. teach that the boiling point of kerosene is 193°C and the boiling point of gasoline is 89°C (page 42). Thus Schmidt et al. teach preheating the hydrocarbon feed to the claimed temperature.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide heat from an oxidation reaction transferred to an inlet stream in Anumakonda at the claimed temperature in order to vaporize the hydrocarbon fuel feed as taught by Wojtowicz and any one of Marion, Beavon, or Schmidt.

As to the limitation of the heat exchange fluid in the shell flowing in the same direction of reactant flow in the catalytic partial oxidation reactor tube, Marchand teach a process for converting hydrocarbon into a stream containing hydrogen [0001]lines 1-5,

wherein a closed vessel having a reformate inlet and a reformate outlet for receiving and discharging, respectively, a reformate stream, and having a coolant inlet and a coolant outlet for receiving and discharging, respectively a coolant fluid stream (coolant fluid stream is heat-exchanger, [0065] wherein at least one passage of the heat-exchanger extends through at least a portion of the reaction chamber [0073]lines 5-8, for the purpose of using the heat supplied by the exothermic oxidation for other parts of the reaction [0133].

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a closed vessel having a reformate inlet and a reformate outlet for receiving and discharging, respectively, a reformate stream, and having a coolant inlet and a coolant outlet for receiving and discharging, respectively a coolant fluid stream (coolant fluid stream is heat-exchanger, wherein at least one passage of the heat-exchanger extends through at least a portion of the reaction chamber in Anumakonda in order to use the heat supplied by the exothermic oxidation for other parts of the reaction as taught by Marchand.

As to the limitations regarding a plurality of catalytic partial oxidation reactors, it would be obvious to one of ordinary skill in the art to have multiple partial oxidation reactors in series, as it would have been would have been routine experimentation to determine optimum conditions for carrying out the reaction. It would have been further obvious that multiple reactors would be in a parallel series and offset from another by a predetermined distance (reactors offset from each other).

If the limitations regarding a plurality of catalytic partial oxidation reactors are not obvious over Anumakonda, Metius teaches that it is known to have multiple partial oxidation reactors producing hydrogen and carbon monoxide (col. 6, lines 45-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide multiple partial oxidation reactors producing hydrogen and carbon monoxide because it well known to have multiple partial oxidation reactors as taught by Metius.

Additionally, it would have been further obvious to dispose the multiple reactors in a shell parallel to and spaced from one another such that each is offset from another as optimum operating conditions would be readily determined through routine experimentation (reactors offset from each other).

Anumakonda fail to teach that the reactors are disposed in the shell parallel to and spaced from one another such that each is offset from another at the plurality of distances.

Matsumura teach a method for reforming hydrocarbons (col. 1) wherein a plurality of reactors are staggered (col. 5, fig. 1a) for the purpose of providing a uniform temperature distribution (col. 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a plurality of reactors are staggered in Anumakonda in order to provide a uniform temperature distribution as taught by Matsumura.

Thus one of ordinary skill in the art would recognize that a uniform temperature distribution principle of Matsumura as applied to Anumakonda would naturally result in a prevention of heat spots.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for distances between reactors greater than preceding, since it has been held that discovering an optimum value or a result effective variable involved only routine skill in the art. In re Boesch, 617 F.2nd 272, 205 USPQ 215 (CCPA 1980). The artisan would have been motivated to provide for distances between reactors greater than preceding by the reasoned explanation that providing for distances greater than the preceding would lead to efficient reaction conditions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL A. WARTALOWICZ whose telephone number is (571)272-5957. The examiner can normally be reached on 8:30-6 M-Th and 8:30-5 on Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Wartalowicz
January 18, 2009

Steven Bos
Primary Examiner
A.U. 1793

/Steven Bos/

Primary Examiner, Art Unit 1793